

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

GARY L. SMITH,

Petitioner,

v.

Civil Action No. 5:05CV105
(STAMP)

KEVIN J. WENDT, Warden

Respondent.

**ORDER GRANTING PETITIONER'S MOTION FOR
EXTENSION OF TIME TO FILE OBJECTIONS TO
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

On July 28, 2005, the pro se petitioner filed an application under 28 U.S.C. § 2241 for a writ of habeas corpus. The case was referred to United States Magistrate Judge James E. Seibert for submission of proposed findings of fact and recommendation for disposition pursuant to 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B). The magistrate judge considered the petitioner's application and submitted a report and recommendation on August 13, 2007. Upon submitting this report, Magistrate Judge James E. Seibert informed the petitioner that if he objected to any portion of the magistrate judge's proposed findings of fact and recommendation for disposition, he must file written objections within ten days after being served with a copy of the report. On August 27, 2007, the petitioner filed a motion for extension of time to file objections to the magistrate judge's report and recommendation. Specifically, the petitioner requests until September 14, 2007.

This Court finds that petitioner's motion for extension of time to file an objection is hereby GRANTED and the petitioner

shall file objections to the magistrate judge's report and recommendation on or before September 14, 2007.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to the pro se petitioner and to counsel of record herein.

DATED: September 4, 2007

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE